

RICHARD DOYLE, City Attorney (#88625)
NORA FRIMANN, Assistant City Attorney (#93249)
ROBERT FABELA, Sr. Deputy City Attorney (#148098)
Office of the City Attorney
200 East Santa Clara Street
San José, California 95113-1905
Telephone Number: (408) 535-1900
Facsimile Number: (408) 998-3131
E-Mail Address: cao.main@sanjoseca.gov

Attorneys for CITY OF SAN JOSE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JEFFREY WELCH, GLEN BISHIP,
MITCHELL WITSINSKI, ROBERT
CULBERTSON and other employees
similarly situated,

Plaintiffs,

v.

CITY OF SAN JOSE,

Defendants.

Case Number: C08-02132 JW

~~PROPOSED~~ **STIPULATED**
JUDGMENT RE: SETTLEMENT OF
FLSA CLAIM

WHEREAS, on May 14, 2010, this Court issued an Order re: Settlement of FLSA claim;

WHEREAS, the San Jose City Council approved the settlement in open session on June 22, 2010;

WHEREAS, pursuant to the terms of the Court's May 14, 2010 Order, the parties hereby submit for signature this stipulated judgment incorporating the terms of the May 14 Order as well as an executed Settlement Agreement and Release, attached hereto as Exhibit A.

1 THEREFORE, the parties, through their respective counsel, agree to the terms of
2 the following stipulated judgment.

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4 Dated: August 10, 2010

RICHARD DOYLE, City Attorney

5
6 By: /S/
 ROBERT FABELA
 Sr. Deputy City Attorney

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8 Attorney for Defendant CITY OF SAN JOSE

9 Dated: August 10, 2010

WYLIE, McBRIDE, PLATTEN & RENNER

10
11 By: /S/
 CAROL L. KOENIG

12 Attorneys for Plaintiffs JEFFREY WELCH,
13 GLEN BISHIP, MITCHELL WITSINSKI,
14 ROBERT CULBERTSON

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20 ATTESTMENT OF CONCURRENCE PER GENERAL ORDER 45 FOR FILING:

21 I attest that concurrence in the filing of this document by the signatories, Robert
22 Fabela and Carol Koenig, has been obtained, and that a record of the concurrence shall
23 be maintained at the Office of the City Attorney.

24 Date: August 10, 2010

By: /s/ Robert Fabela
 ROBERT FABELA

STIPULATED JUDGMENT

For the reasons set forth herein and in the Court's May 14, 2010 Order re: Settlement of FLSA claim, the Court adjudges and decrees as follows:

(1) The Settlement Agreement and Release reached by the parties in this matter, attached hereto as Exhibit A, is fair and reasonable and consists in substantial part of the following: (a) Plaintiffs will recover from the Defendant City of San Jose back wages in an amount to be determined by recalculating the Plaintiffs' payroll back to the pay that includes April 24, 2006 through the time that settlement payment is made; (b) such recalculations and settlement payments shall be calculated consistent with the Settlement Agreement and Release; (c) beginning the first pay period that commences after July 1, 2010, the City will calculate overtime pay pursuant to the attached Settlement Agreement and Release; and (d) the City will pay Plaintiffs' attorneys' fees and costs for both this matter as well as the related case of *Juan Diaz, Keith Keesling, Christopher Murphy, Gary Weekley, Karen Allen, and other employees similarly situated v. City of San Jose*, case number C07-06424 JW, in a total amount of one hundred five thousand dollars (\$105,000) for both cases.

(2) Any judgment amount or other consideration herein ordered shall never at any time or for any purpose be considered an admission of liability or responsibility on the part of any of the parties herein and that the plaintiffs waive all rights, if any be had, to further liquidated damages.

The Clerk shall close this file.

Dated: August 17, 2010


JAMES WARE
UNITED STATES DISTRICT JUDGE